



WEB COPY



W.P.No.10663 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.04.2023

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THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.10663 of 2023

P. Rajendiran

... Petitioner

Vs.

- 1.The Deputy Inspector General of Registration,
Office of Deputy Inspector General of Registration,
No.6/1, GRD Road,
Coimbatore.
- 2.The District Registrar,
Office of the District Registrar,
Gobichettipalayam,
Erode District.
- 3.The Joint Sub-Registrar No.1,
Gobichettipalayam,
Erode District.
- 4.The State Rep. by its,
The Inspector of Police,
Gobichettipalayam Police Station,
Erode District.
- 5.K.S. Rajendiran
- 6.R. Gomathi
- 7.K.S. Shanmugamoorthy



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8.Gayathri

9.Sundaram

10.Deivananai

11.M.K. Balakarthickeyan

12.D. Sasikumar

13.Prema

14.Shanthi

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the 2nd respondent to dispose of the petition dated 15.02.2023 filed by the petitioner u/s. 77A of the Tamil Nadu Registration Act within time frame as fixed by this Court.

For Petitioner : Mr.K. Myilsamy

For R1 to R4 : Mr.Yogesh Kannadasan,
Special Government Pleader

ORDER

Heard Mr.K. Myilsamy, learned counsel for the petitioner and Mr.Yogesh Kannadasan, learned Special Government Pleader for the respondents 1 to 4.



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2. Since this Court is directing the second respondent to consider the petitioner's petition, after giving due notice and opportunity to the respondents 5 to 14, notice to the respondents 5 to 14 is hereby dispensed with.

3. The petitioner herein had filed a petition on 15.02.2023 before the second respondent, seeking for cancellation of documents. Since the said petition was not disposed, the present Writ Petition has been filed.

4. It is needless to point out that whenever a petition of this nature is made to a Statutory Authority, there is a duty cast upon the respondent to consider the same on its own merits and pass appropriate orders in one way or other, instead of keeping the same pending indefinitely. As such, non-consideration of the representation by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking its extraordinary powers under Article 226 of the Constitution of India and direct them to consider the same within a stipulated time.

5. In the light of the above observations, there shall be a direction



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to the second respondent herein, to consider the petitioner's petition dated 15.02.2023, in accordance with the procedure contemplated under Section 77A of the Registration Act, after giving due opportunity to the persons who had executed the release or sale deed, as well as the beneficiaries and the witnesses to the deed of conveyance and any other persons who may be interested in the subject property, within a period of twelve (12) weeks from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any of its views with regard to the merits of the claim made by the petitioner and that it is open to the concerned respondent to consider the same on its own merits.

6. With the above direction, the Writ Petition stands disposed of.

No costs.

06.04.2023

Speaking/Non-speaking Order

Internet: Yes/No

Index: Yes/No

Neutral Citation: Yes/No

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To

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M.S.RAMESH, J.

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